THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4903 OF 2006

DATED: 14-03-2006

BETWEEN:

Pilli Dayanand, S/o. Jagadeshwar … Petitioner

And

The Commissioner,

Municipal Corporation of Hyderabad … Respondent

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4903 OF 2006

ORDER:

Petitioner filed this petition seeking to declare the action of the respondent in trying to demolish the house bearing No.1-7-513/1/22/A1, admeasuring 122 square yards situated at Pavitra Nazar, Zamistanpur, Dayara Market, Hyderabad, without issuing confirmation order as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the material on record.

It is the case of the petitioner that he is the owner and possessor of the property bearing house No.1-7-513/22/A1 admeasuring 122 square yards equivalent to 102 square meters situated at Pavitra Nagar, Zamistanpur, Dayara

Market, Hyderabad. As per the procedure, provided under Section 428 of the Municipal Corporation Act, the petitioner filed an application on 04-04-2005 before the respondent seeking permission for construction of ground plus two floors as his land exceeds 100 square meters, by duly enclosing the plan, title deed etc., but the said representation has not been considered and disposed of.

It is also the case of the petitioner that as the respondent have not rejected or communicated any orders to him as per the deemed provisions he constructed the building. But without issuing any notice, respondent is threatening to demolish his construction.

Under the above circumstances, I am of the opinion that without obtaining prior sanction for construction of building, petitioner cannot construct in violation of the rules and regulations. However, respondent without issuing notice pointing out the deviations and the illegal constructions, he cannot demolish or dispossess the petitioner.

Having regard to the facts and circumstances of the case, respondent is directed not to demolish the construction of the petitioner without following due process of law.

Writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J.

Dated: 14-03-2006

Note:

Issue C.C. within three days.

(B/O)

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